

FILED

November 20 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

The Clerk of Court shall mail a copy of this Order to all counsel of record.

DATED this 20<sup>th</sup> day of November 2009.

For the Court,

By 

Chief Justice

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0322

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PLAINS GRAINS LIMITED PARTNERSHIP, a  
Montana limited partnership, et al.,

Plaintiffs and Appellants,

v.

BOARD OF COUNTY COMMISSIONERS OF  
CASCADE COUNTY, the governing body of the  
County of Cascade, acting by and through Peggy S.  
Beltrone, Lance Olson and Joe Briggs,

Defendants and Appellees,

SOUTHERN MONTANA ELECTRIC GENERATION  
and TRANSMISSION COOPERATIVE, INC.; the  
ESTATE OF DUANE L. URQUHART; MARY  
URQUHART; SCOTT URQUHART; and LINDA  
URQUHART,

Intervenors, Appellees and Cross Appellants.

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O R D E R

Appellee Board of County Commissioners of Cascade (Board) filed a notice of supplemental authority with this Court on November 12, 2009. The Board belatedly brought to the Court's attention the fact that the Board had adopted new zoning regulations and a new zoning map for Cascade County that took effect August 25, 2009.

The parties at oral argument on November 18, 2009, disputed the effect, if any, that the Board's adoption of the new zoning regulations and new zoning map have on the spot zoning claim asserted by Appellants Plains Grains Limited Partnership, et al. (Plains Grains). As a result, the parties are directed to file supplemental briefs, not to exceed 5,000 words, to address the issue of how the new zoning regulations and zoning map adopted by the Board on August 25, 2009, affect the spot zoning claim asserted by Plains Grains. The briefs shall be filed simultaneously and shall be filed within 30 days of the date of this order.